

# UNOFFICIAL COPY

PREPARED BY:

Name: Steve Chmelik  
SWC 156<sup>th</sup> LLC

Address: 9440 Enterprise Drive  
Mokena, Illinois 60448



Doc# 1727029008 Fee \$56.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 09/27/2017 09:53 AM PG: 1 OF 10

RETURN TO:

Name: Steve Chmelik  
SWC 156<sup>th</sup> LLC

Address: 9440 Enterprise Drive  
Mokena, Illinois 60448

**THE ABOVE SPACE FOR RECORDER'S OFFICE**

This Environmental No Further Remediation Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0312315053

SWC 156<sup>th</sup> LLC, the Remediation Applicant, whose address is 9440 Enterprise Drive, Mokena, Illinois 60448 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal Description or Reference to a Plat Showing the Boundaries:

Situated in the State of Illinois, County of Cook, part of the Northeast Quarter of the Southeast Quarter of Section 16, Township 36 North, Range 12 East of the Third Principal Meridian, more particularly described as follows: Beginning at the point of intersection of the East line of the aforesaid Northeast Quarter of the Southeast Quarter of Section 16, and a line 50.00 feet North of and parallel to the South Line of the aforesaid Northeast Quarter of the Southeast Quarter of Section 16, said point also being the Southeast corner of a parcel of land known as U.S. Tract No. A100-2; thence West along said parallel line 322.50 feet to a point on a parallel line to said East line of the Northeast Quarter of the Southeast Quarter of Section 16, said point also being on the East line of a parcel of land known as U.S. Tract No. A100; thence South along said parallel line 50.00 feet to a point on the South line of said Northeast Quarter of the Southeast Quarter of Section 16; thence West along said South line 896.30 feet, more or less, to the Southeast corner of a parcel of land described in a Quitclaim Deed from the United States of America to the Village of Orland Park, dated 26 April 1971; thence Northeast with said parcel of land 735.30 feet, more or less, to a point on the South line of a parcel of land known as U.S tract A110; thence Northwesterly at right angles to the last described line 424.70 feet to a point; thence Northeasterly at right angles to the last described line 12.16

CCRD REVIEW 

# UNOFFICIAL COPY

feet, to a point; thence Southerly at right angles to the last described line 242.70 feet, to a point; thence Northeasterly at right angles to the last described line 42.00 feet, to a point; thence Southeasterly at right angles to the last described line 122.00 feet, to a point; thence Southwesterly at right angles to the last described line 42.00 feet, to a point; thence Southeasterly at right angles to the last described line 259.00 feet, to a point on a line that is 395 feet North of a parallel to the South line of said Northeast Quarter of the Southeast Quarter of Section 16; thence East with said parallel line 556.00 feet, to a point on said East line of the Northeast Quarter of the Southeast Quarter of Section 16; thence South with said East line 345.00 feet, more or less, to the point of beginning, situated in the State of Illinois, County of Cook.

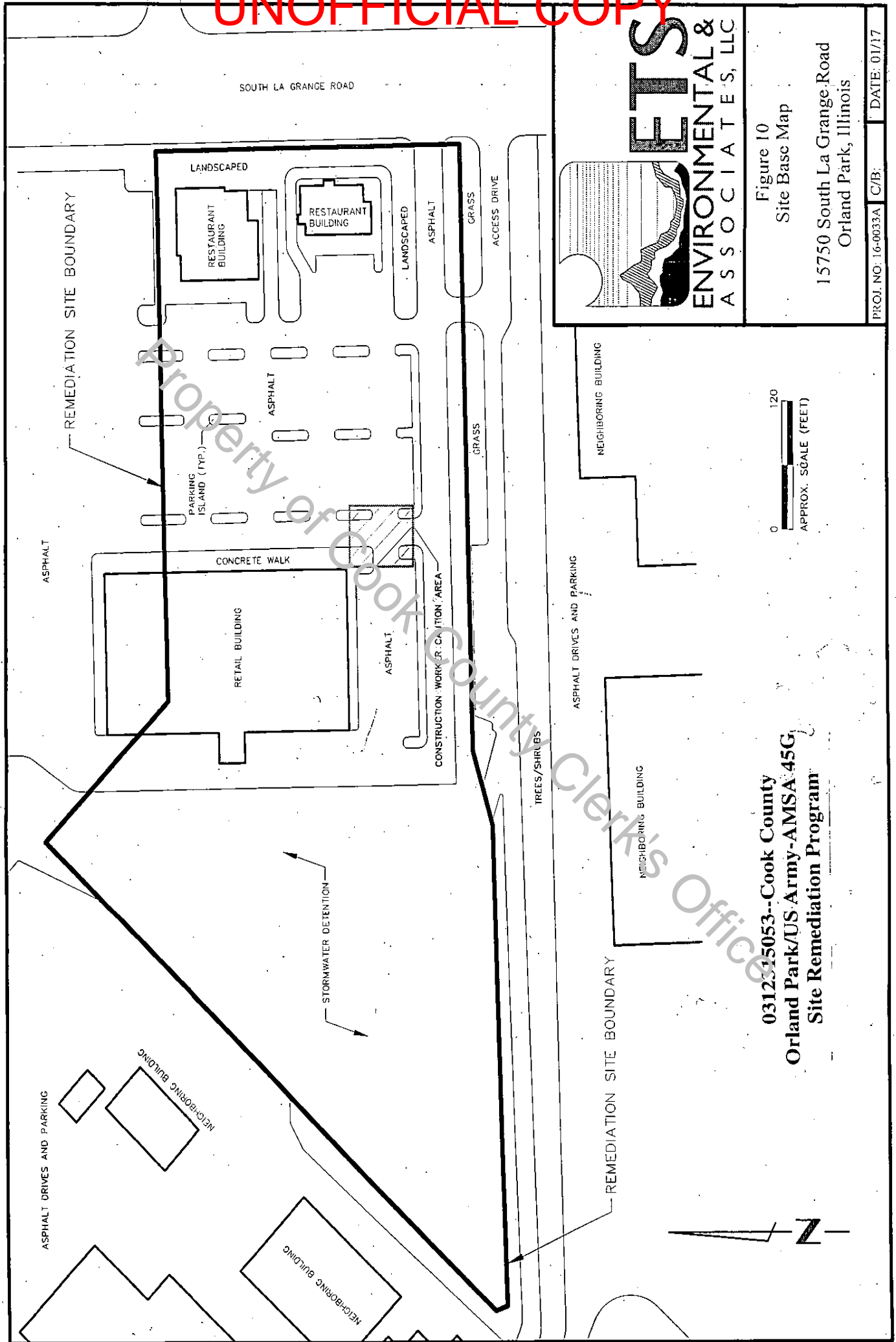
2. Common Address: 15750 South LaGrange Road, Orland Park, Illinois 60462
3. Real Estate Tax Index/Parcel Index Number: 27-16-401-004; and 27-16-401-011
4. Remediation Site Owner: SWC 156<sup>th</sup> LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

**(Illinois EPA Site Remediation Program Environmental Notice)**

Property Of Cook County Clerk's Office

UNOFFICIAL COPY

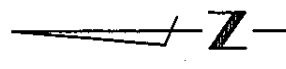


**ETS**  
**ENVIRONMENTAL &**  
**ASSOCIATES, LLC**

Figure 10  
 Site Base Map

15750 South La Grange Road  
 Orland Park, Illinois

PROJ. NO: 16-0033A C/B: DATE: 01/17



Property of Cook County Clerk's Office

0312215053--Cook County  
 Orland Park/US Army-AMSA 45G  
 Site Remediation Program

# UNOFFICIAL COPY

**TABLE A: Regulated Substances of Concern**

**0312315053--Cook County  
Orland Park/US Army-AMSA 45 G  
Site Remediation Program**

<b>BTEX and MTBE</b>	
<b>CAS No.</b>	<b>Compound Name</b>
71-43-2	Benzene
100-41-4	Ethylbenzene
108-88-3	Toluene
1330-20-7	Xylene (totals)

<b>Polynuclear Aromatic Compounds (PNAs)</b>	
<b>CAS No.</b>	<b>Compound Name</b>
208-96-8	Acenaphthalene
83-32-9	Acenaphthene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
191-24-2	Benzo(g,h,i)perylene
50-32-8	Benzo(a)pyrene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-20-3	Naphthalene
85-01-8	Phenanthrene
129-00-0	Pyrene



# UNOFFICIAL COPY ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/524-3300

September 19, 2017

CERTIFIED MAIL

7014 2120 0002 3285 4128

SWC 156<sup>th</sup> LLC  
 Attn: Steve Chmelik  
 9440 Enterprise Drive  
 Mokena, Illinois 60448

Re: 0312315053--Cook County  
 Orland Park/US Army-AMSA 45 G  
 Site Remediation Program/Technical Reports  
 No Further Remediation Letter

Dear Mr. Chmelik:

The *Remedial Action Completion Report* (received July 25, 2017/Log No. 17-65138), as prepared by ETS Environmental & Associates for the above-referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). The remediation objectives approved for the site, in accordance with 35 Illinois Administrative Code Part 742 including the indoor inhalation pathway, are above the existing concentrations of regulated substances and the above report shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 9.54 acres, is located at 15750 South LaGrange Road, Orland Park, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (received October 27, 2016/Log No. 16-63399), is SWC 156<sup>th</sup> LLC.

This focused No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

4302 N. Main St., Rockford, IL 61103 (815)987-7760  
 595 S. State, Elgin, IL 60123 (847)608-3131  
 2125 S. First St., Champaign, IL 61820 (217)278-5800  
 2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
 412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-3022  
 2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
 100 W. Randolph, Suite 10-300, Chicago, IL 60601

# UNOFFICIAL COPY

## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions characterized by the focused site investigation and successfully addressed, consist of the contaminants of concern identified in the attached Table A.
- 2) The Remediation Site is restricted to industrial/commercial land use.
- 3) The land use specified in this Letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

### Preventive, Engineering, and Institutional Controls

The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

#### Preventive Controls:

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated below three (3) feet must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

#### Engineering Controls:

There are no engineering controls required.

#### Institutional Controls:

- 5) Any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sump(s).
- 6) No person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

# UNOFFICIAL COPY

## Other Terms

- 7) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown in the attached Site Base Map, are not subject to any other institutional or engineered barrier controls.
- 8) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number 933010.
- 9) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 10) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attn: Freedom of Information Act Officer  
Division of Records Management #16  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276
- 11) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
  - a) Any violation of institutional controls or the designated land use restrictions;
  - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
  - c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
  - d) The failure to comply with the recording requirements for this Letter;
  - e) Obtaining the Letter by fraud or misrepresentation;

# UNOFFICIAL COPY

- f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
- g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
- h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.

12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) SWC 156<sup>th</sup> LLC;
- b) The owner and operator of the Remediation Site;
- c) Any parent corporation or subsidiary of the owner of the Remediation Site;
- d) Any co-owner, either by joint tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
- e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
- f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
- g) Any successor-in-interest of the owner of the Remediation Site;
- h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
- i) Any heir or devisee of the owner of the Remediation Site;
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.



# UNOFFICIAL COPY

13) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the US Army-AMSA 45 G property.

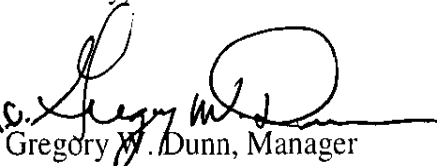
14) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

Mr. Jim Scott  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS #24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276

15) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding the US Army-AMSA 45 G property, you may contact the Illinois EPA project manager, James Baldwin at (217) 524-7207.

Sincerely,

  
 NWL MC. Gregory W. Dunn, Manager  
 Remedial Project Management Section  
 Division of Remediation Management  
 Bureau of Land

Attachments: Illinois EPA Site Remediation Program Environmental Notice  
 Site Base Map  
 Table A: Regulated Substances of Concern  
 Property Owner Certification of No Further Remediation Letter under the Site  
 Remediation Program Form  
 Instructions for Filing the NFR Letter

cc: Steve Heuer  
 ETS Environmental & Associates  
[steveh@ets-environmental.com](mailto:steveh@ets-environmental.com)

Bureau of Land File  
 Mr. Jim Scott

# UNOFFICIAL COPY

## PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

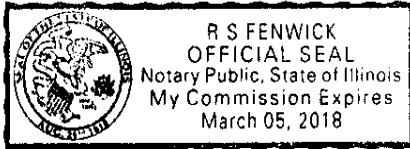
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name; street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner, including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

<b>Property Owner Information</b>	
Owner's Name:	<u>SWC 156 LLC</u>
Title:	<u>Joseph T. Bochevic, Manager</u>
Company:	
Street Address:	<u>9440 Enterprise Drive</u>
City:	<u>Mokena</u> State: <u>IL</u> Zip Code: <u>60448</u> Phone: <u>708.478.7666</u>
<b>Site Information</b>	
Site Name:	<u>15750 South LaGrange Road, Oakdale Park, IL 60462</u>
Site Address:	
City:	<u>↑</u> State: <u>↑</u> Zip Code: <u>↑</u> County: <u>Cook</u>
Illinois inventory identification number:	<u>0312315053</u>
Real Estate Tax Index/Parcel Index No.	<u>27-16-421-004 + 27-16-401-011</u>
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature:	<u>[Signature]</u> Date: <u>9/26/17</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>26<sup>th</sup></u> day of <u>September</u> , 20 <u>17</u>	
<u>[Signature]</u> Notary Public	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.